# RECENT IMPORTANT DECISIONS

ADMIRALTY—LIMITATION OF LIABILITY—PRACTICE.—The plaintiff sued at law in a state court on account of injuries received on shipboard, and had verdict and judgment in excess of the value of the ship. The benefit of the federal "Limited Liability Act" (R. S. 4283, etc.) was not claimed by special plea or in the answer, but the court was requested to instruct the jury that the verdict could not exceed the value of the vessel. This request was declined. The judgment was affirmed on error by the Supreme Court of the United States. The Supreme Court held that in a state court, where there is only one possible claimant and one owner, the protection of the statute may be obtained by a proper pleading, but where it is not set up or claimed in the answer it cannot be first presented upon request for a charge to the jury. *Carlisle Packing Co. v. Sandanger,* Adv. Op., 1921-22, p. 564.

In the well-known case of *Craig v. Continental Ins. Co.,* 26 Fed. 798, 141 U. S. 640, an action for loss of life on Lake Huron, the benefit of the statute was given the ship owner under a plea of the general issue alone in the United States Circuit Court at Detroit, and the plea was simply the general issue in accordance with Michigan practice. When it appeared in the course of the trial that the boat on which the loss of life occurred had been a total loss, without fault or privity on the part of the owner, Judge Brown (subsequently Mr. Justice Brown of the Supreme Court) instructed the jury that the Limited Liability Act precluded any recovery by the plaintiff and that the verdict must be in favor of the defendant. This was affirmed by the Supreme Court. This case indicates a modification of the older ruling. There can be no doubt that the statute is as complete a defense in state courts as it is in admiralty, but it must now be specially pleaded.

APPEAL—NO RIGHT OF APPEAL EXISTS UNLESS AUTHORIZED BY STATUTE WHICH CREATES A NEW RIGHT.—A state statute gave an action before a state board to persons convicted and imprisoned for crimes of which they were innocent, a right of appeal from the board's decision to the circuit court being provided. Plaintiff in such an action appealed from the circuit court's decision to the supreme court. *Held,* where a new right is created, and a remedy prescribed, the prescribed remedy is exclusive, and the right of appeal does not exist unless given by statute, hence the appeal did not lie. *In re Long* (Wis., 1922), 187 N. W. 167.

The general doctrine is that laid down by the court, viz., that an appeal lies only when authorized by statute, no such right existing at common law. While statutes granting or regulating appeals are remedial, and should therefore be liberally construed, yet it is a well-settled rule in most jurisdictions that where a tribunal exercises a special, limited jurisdiction conferred by